

MARICOPA COUNTY BOARD OF HEALTH MEETING

Monday, April 25, 2011

301 W. Jefferson Street, 10th Floor

Phoenix, Arizona 85003

Board of Supervisors Conference Room

Mr. Cassano called the meeting to order at 3:00 pm.

ROLL CALL:

Members Present:

Don Cassano

Andrew Ingram

Zuhdi Jasser, M.D.

Francisca Montoya

Brian Spicker

Maricopa County Supervisor Stapley, District 2

Kip Steill

Members Excused:

Audrey Adamic

Shannon Smith

Ex-Officio: Bob England, M.D.

CALL TO THE PUBLIC:

Don Cassano advised that if anyone from the public is present at the meeting today who would like an opportunity to speak, a Speaker Request Form is available and must be filled out prior to addressing the Board of Health. The Board of Health cannot take action on but only discuss questions from the public under the Call to the Public section.

ACTION/DISCUSSION ITEMS:

1. Approval of the January 24, 2011 BOH Minutes:

-Mr. Cassano

Brian Spicker motioned to approve the January 24, 2011 BOH minutes. Andrew Ingram seconded the motion. The motion passed unanimously.

2. Fee Waivers

-Ms. Taylor

Ms. Taylor presented 27 fee waiver applications to the Board of Health. The department of Environmental Services does not object to any fee waiver with the exception of #5 which is a fee waiver request from the University of Arizona Alumni Association.

Ms. Taylor included the email she sent to the University of Arizona Alumni Association requesting additional information being that their application was somewhat vague in the reasoning for requesting a fee waiver.

Ms. Montoya had a question regarding the last fee waiver from the Texas Exes Phoenix Chapter. There is no information in the packet that specifically states, in my opinion, whether or not the individuals receiving services were underprivileged, low-income or distressed.

Brian Spicker made the motion to approve all the fee waivers with the exception of the request from University of Arizona Alumni Association (item 5) and Texas Exes Phoenix Chapter (item 27). Kip Steill seconded the motion. The motion passed unanimously.

Kip Steill made the motion to deny the fee waiver request from the University of Arizona Alumni Association. Supervisor Don Stapley seconded the motion. The motion passed unanimously.

The Board of Health members requested that more information be provided from The Texas Exes Phoenix Chapter organization and that it be deferred until the next meeting for action.

3. Swimming Pool Advisory Committee (SPAC) Variance Appeal

-Ms. Oneil

Environmental Services presented by Mr. Kevin Chadwick and Mr. John Kolman regarding the swimming pool advisory committee's decision in this case to provide a variance waiver. The department of Environmental Services presented the details of the case in writing that has gone on since 2005. The department inspectors noted code violations in June of 2007 and January of 2009. The apartment complex (Colina of Carefree) did not comply with the stipulated agreements. The department of Environmental Services revoked the full permit in 2009. Once the permit is revoked, the pool is required to meet current standards. Current standards include a clause for the fences that were changed when the code was changed in 2004 that requires a pool enclosure as all or part of a residential fence. In August of 2010, the owners of the complex submitted a variance request to allow for the residential wall to serve as a barrier, basically letting it stay as is. On page 3 of the handout, you will see what is labeled as the "problem area" is the pool enclosure. The wall runs through the center of the page. You can see where it is labeled 5 ft. There is a residence on the other side of the wall. This is the only place where there is a resident on the other side of the wall. This is where it is not in compliance with the clause of a residential wall cannot serve as a barrier for a pool. This is where the applicant is requesting a variance for the wall to allow the area to stay as is. The department staff took in the variance, prepared a recommendation for the swimming pool advisory committee to extend the wall (where it is labeled problem area) out from the 5 ft area out and enclose this area and then the pool equipment area and this new wall area would move that wall out away from the problem area wall and would no longer meet the definition of a shared residential wall. The existing 5 ft would stay but there would be a new wall that is controlled and would service as an independent wall from the resident. The owner of the pool would have control of both sides of the wall. The advisory committee is made up of five individuals, three were at the meeting (health professional, professional engineer, swimming pool industry member). Their recommendation is shown on page 8 of the document. The staff recommendation to extend the wall by 5 ft south and 3 ft away minimum was documented or to raise the already existing wall by 2 ft.

Ms. Lois O'Neill, property manager, representing Colina of Carefree community apartment complex and also the homeowner who is the resident that has the wall that serves as the barrier to the pool area. Ms. O'Neill stated that there is no other common wall area and that the community is older and several of the units have single females and that the community is not financially in a place to spend lots of money remodeling. The resident believes that at the last meeting there was no discussion given to a variance which he didn't understand being that the stipulations regarding a variance are met in this case. There was no discussion of just letting it be. The resident provided pictures of his back yard and explained details of each area. The resident explained that there is no danger with his wall, there no access to the public from my back wall. We are requesting a waiver but if the waiver is not granted, we are requesting to use some cement to heighten the wall that would maintain a consistent look.

The issue isn't excluding the public; it is the control of the outside area of the wall. In the private residential area the HOA has no control. Can an easement be offered that would give the HOA permission to tell the owner to exclude things from the wall?

Have we granted waivers in the past on the 3 ft rule? What kind of precedence do we create if we do create a barrier? This is the third time since 1982 that there has been an appeal of this nature to the Board of Health. There hasn't been one since the 2004 clause has been put into any effect.

The owner can always ask for another variance.

Supervisor Stapley said that the reason that this Board can grant a waiver is for this kind of case. There is no reason we shouldn't grant this waiver. I don't believe there is any risk to granting this waiver.

Supervisor Don Stapley made the motion to grant the variance waiver for the property, Colina of Carefree, to property owner Ms. O'Neill. Kip Steill seconded the motion.

Dr. Jasser asked what the costs would be to come into compliance. The representatives for the Colina of Carefree community said that coming into compliance with the regulation would be the cost of building a taller cement piece to make it higher. The property manager also stated that they just really don't have the funds to expend on this. There were no savings and they only have \$1,000 in a reserve account for this property and \$2,000 in a checking account.

If we grant a variance at this time, does this mean that if the property is sold will this variance be moved to the next property owner?

What are our options? Grant the variance, follow the recommendations by the pool advisory committee or approve a different form of recommendation to have the property owner

There is an easement opportunity for the owner of the private property to allow the HOA to regulate the shared wall of the private owner.

Supervisor Don Stapley altered his motion to allow the home owner of the shared wall to grant easement to the community property home owners association which gives the HOA access to inspect in lieu of granting a waiver. Brian Spicker seconded the motion. The amended motion passed unanimously.

4. Vital Registration Fee Adjustment

- Ms. Castaneda-Martinez

Ms. Castaneda-Martinez, program manager for Vital Registration in Public Health, presented a new fee schedule for vital registration which is to increase our fee in order to compensate for the surcharge that will be required as of July of this year by the state vital registration office. The surcharge is being placed on the county through the new Senate Bill 1619. Our base fee would go from \$14 to \$15. The remaining amount would absorb the adjustment that will be made effective July of this year.

Supervisor Don Stapley motioned to approve the fee adjustment for vital registration as presented. Francisca Montoya seconded the motion. The motion passed unanimously.

5. Approval of FY12 Public Health budget

-Mr. Pitcairn

Mr. Pitcairn presented the Public Health FY12 budget to the Board of Health members.
(binders were handed out along with a one page summary of budget—available upon request)

The budget request was largely accepted by the office of Management and Budget. They then make their recommendation to the Board. We don't expect there to be a dispute of the recommendations. During the middle of this year there were adjustments made to the last FY budget. The first section shows the revisions made in FY11 to adopt in FY12. In the general fund there were no changes. In the grant fund, we had a 10.2 million dollar increase. A majority of this is the carryover from the H1N1 funds that we had from the CDC and we had some additional First Things First grants. In the fee fund, we were granted the use of one time funds usage in order to install a replacement X-ray server for TB and that is all of the FY11 revised.

For FY12 recommendations, in the general fund, we were granted an increase in funding for equipment services charges and then for benefits (dental and medical premiums) there was an increase in retirement contribution for a total of 276,000 above our current year general fund appropriation. Grant fund showing increase for the health and dental and retirement contributions however that amount is then deducted included in the 6.5 reductions, basically the grants have what they have and are unable to include those in our requests for the grants in time, those have to be absorbed. The large decrease in the 6.5 is the end of the H1N1 funding that was carried forward from last year to this year and then the absorption of the benefits that I mentioned previously. For the special revenue fund the third funding source health and dental in the retirement contribution also part of the contribution. The banking fees the treasurer's office is absorbing the cost of deposits bags and stamps now those costs are being allocated to the departments. The increase in the child immunization budget 261 thousand started a couple of years ago receiving access fees for child immunization, this year in tract to collect 360 thousand dollars. Viral registration budget is a decrease right sizing by what's been happening this year. The refugee screening reduction, a decrease in the TV treatment budget fees have gone down a little bit from what was estimated previously.

Brian Spicker motioned to approve the FY12 Public Health budget as presented. Supervisor Don Stapley seconded the motion. The motion passed unanimously.

5. Approval of FY12 Environmental Health budget

-Mr. Luder

Mr. Luder presented the Environmental Health FY12 budget to the Board of Health members.

Fund 100 general has no salary adjustments budgeted per county budgeting rules, no salary adjustments. One time expenditures going to the next fiscal year; the first one being of 6 replacements vehicles totaling 180 thousand dollars, expenditure request for 70,000 to replace 5 foggers in the metro control program, 20 thousand dollar for our storm water program to put in place a integrated voice activated system for ARSELA carryover from this year, 82 thousand and some change to support biffig up the IT info structure that is related to our vector control program in relationship to the regional development services agency, their portion of up gradating. Increase of 240 thousand in general supplies carried out by a board action, to purchase more environmentally friendly insecticide for spring.

Supervisor Don Stapley motioned to approve the FY12 Environmental Health budget as presented. Dr. Zhudi Jasser seconded the motion. The motion passed unanimously.

DISCUSSION ITEMS

1. Public Health Report

-Dr. England

**Dr. Bob England presented the following matters to the Board.
Public Health Overview and Direction**

Proper Role of Public Health and issues were facing. The roles of public health that have settled on nationally for years are assessment, assurance and policy development.

Assessment meaning knowing what's going on the community, not just classic numbers, what issues neighborhoods care about, what groups are out there in the community and what resources they have to bring to the table, who wants to do what.

Assurance means matching the needs define to the community to those resources, hoping the community come together to do its own stuff for public health or health of the community. Policy Development which is one that people don't often understand doesn't

mean capitol p policy necessary like legislation regulation or rules it means small p policy as well , what's in the vending machine at work places , do schools have active recess or PE or not, what are immunization policies in the community and different settings. It's in a sense health education health promotion directed towards those people who are in a position to make policy decisions that affect a lot of other people. The public health system is not the department. The public health system is everything out in the community; you have to get out of the mind set of thinking if there is a problem the health department has to do something to solve it, especially if there is somebody else we can leverage because frankly that's the successful way to do it.

Adjournment

Brian Spicker motioned to adjourn the meeting. Francisca Montoya seconded the motion. The motion passed unanimously.